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PATENT
Customer No. 22,852
Attorney Docket No. 05638.0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Theodor BAYERKÖHLER *et al.*	Group Art Unit: 1615
Application No.: 10/070,662	Examiner: Charesse EVANS
International Filing Date: September 9, 2000 § 371 Date: July 9, 2002	
For: DIRECTLY COMPRESSIBLE RAW MATERIAL FOR COMPRESSED PRODUCTS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATUS INQUIRY

According to our records, the above-identified application was filed on July 9, 2002. A non-final Office action was mailed on December 16, 2003. As shown by the attached postcard bearing an OIPE date stamp, the Response to the Office action was filed on March 16, 2004. To date Applicants have not received an Office Action from the Patent Office addressing their Response of March 16, 2004. A copy of the Response to Office Action originally filed March 16, 2004, is included in this Status Inquiry.

In view of these circumstances, the undersigned attorney respectfully requests that the Office advise him of the status of this application as soon as possible in order to determine whether further action by the Applicants is required at this time.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 22, 2004

By: 

David Forman
Reg. No. 33,694
(202) 408-4068

Enclosure: Copies of stamped postcard receipt and the originally filed Response to Office Action

DSF/MVO

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PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Theodor BAYERKÖHLER et al.

Application No.: 10/070,662 Group Art Unit: 1615

Filed: July 9, 2002 Examiner: C.L. Evans

For: DIRECTLY COMPRESSIBLE RAW MATERIAL FOR COMPRESSED PRODUCTS

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1. Response to Office Action (8 pages) Attachment (3 pages)

Dated March 16, 2004

Docket No.: 05638.0016-00000 (Due Date: March 16, 2004)

David Forman/Mike O'Shaughnessy/Sylvia Helms - Mail Drop 1030

3/17

PATENT
Customer No. 22,852
Attorney Docket No. 05638.0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Theodor BAYERKÖHLER et al.	Group Art Unit: 1615
Application No.: 10/070,662	Examiner: C.L. Evans
Filed: July 9, 2002	
For: DIRECTLY COMPRESSIBLE RAW MATERIAL FOR COMPRESSED PRODUCTS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

In reply to the Office Action mailed December 16, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks/Arguments follow the amendment sections of this paper.

Attachments to this amendment include an excerpt from a German/English dictionary.

Applicants do not believe that any claim fees are due at this time. If Applicants are in error, please charge any applicable fees to our deposit account 06-0916.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1 (Currently Amended). A ~~Method~~ method of producing an agglomerated, free-flowing product selected from the group consisting of isomaltulose, isomalt and ~~and/or~~ an isomalt variant, wherein a solution or suspension containing at least one product selected from the group consisting of isomaltulose, isomalt, ~~or~~ and an isomalt variant is sprayed with a supply of dry air into a powder selected from the group consisting of isomaltulose, isomalt, and ~~and/or~~ an isomalt variant, and the resulting agglomerated product is subjected to a secondary drying and cooling, and an agglomerated free-flowing product is obtained.

2 (Currently Amended). The ~~Method~~ method according to Claim 1, wherein secondary crystallization takes place following cooling of the secondary dried product.

3 (Currently Amended). The ~~Method~~ method according to Claim 1 ~~or 2~~, wherein at least a portion of the resulting agglomerated free-flowing product is ground following the cooling or secondary crystallization.

4 (Currently Amended). The ~~Method~~ method according to Claim 3, wherein a portion of the ground powder is introduced back into the process ~~according to Claim 1, 2 or 3~~ in the form of an educt.

5 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension ~~containing the isomaltulose, isomalt and/or isomalt variants~~ has a dry solids content of 30 wt% to 70 wt%.

6 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension ~~containing the isomaltulose, isomalt and/or isomalt variants~~ has a temperature of 50° Celsius to 90° Celsius.

7 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension ~~containing the isomaltulose, isomalt and/or isomalt variants~~ is sprayed into the powder at a spray pressure of 100 bar to 200 bar.

8 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the powder has a particle size of 50 μm to 400 μm.

9 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the quantity ratio of powder to educt solution or suspension amounts to 1:1 to 3.5:1.

10 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the drying air has a temperature of 120° Celsius to 180° Celsius.

11 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the secondary drying and cooling take place with a supply of air at a temperature of 20° Celsius to 80° Celsius.

12 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the secondary drying and cooling take place over a period of 10 to 30 minutes.

13 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the secondary crystallization takes place over a period of one to four hours.

14 (Currently Amended). The ~~Method~~ method according to ~~one of the preceding claims~~ Claim 1, wherein the solution or suspension containing the isomaltulose, isomalt or an isomalt variant together with additives, auxiliary substances, active ingredients, parting compounds, lubricants, flavorings, sweeteners, food-compatible acids, disintegrants or coloring agents is spray dried.

15 (Currently Amended). An ~~Agglomerate~~ agglomerate producible according to ~~one of~~ the ~~methods~~ method of any one of the preceding claims.

16 (Currently Amended). The ~~Method~~ method of producing a compressed product, wherein a method is carried out according to ~~one of Claims 1 to 14~~ Claim 1, and the resulting agglomerate is pressed to form a compressed product.

17 (Currently Amended). The ~~Method~~ method according to Claim 16, wherein additives, auxiliary substances, active ingredients, parting compounds, lubricants, flavorings, sweeteners, food-compatible acids, disintegrants or coloring agents are added to the agglomerate before pressing.

18 (Currently Amended). A ~~Compressed~~ compressed product producible according to one of the ~~methods~~ method of ~~Claims~~ Claim 16 or 17.

REMARKS

I. Status of the Claims

Claims 1-18 are pending in this application. Claims 1, 5-7, and 14 were rejected and claims 2-18 were objected to in the Office Action dated December 16, 2003. Claims 1 and 5-7 have been amended to correct indefiniteness rejections for use of the phrase "and/or." Further, Applicants have amended claims 4-18 to correct the improper multiple dependent format.

II. Rejection of Claims 1 and 5-7 under 35 U.S.C. § 112, ¶ 2

Claims 1 and 5-7 are rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Particularly, the Office states that Applicant's use of the phrase "and/or" renders the claims indefinite because "it is unclear whether the limitation(s) following the phrase are part of the claimed invention." In response, Applicants have amended Claims 1 and 5-7 to remove the phrase "and/or." Accordingly, Applicants respectfully request withdrawal of this rejection.

III. Rejection of Claim 14 under 35 U.S.C. § 112, ¶ 2

Claim 14 is rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. The Office states that the term/phrase "parting compounds" is unclear. Applicants traverse this rejection.

The term/phrase "parting compounds" is a direct translation of the German word "Trennmittel." Applicants have attached a copy of an excerpt from an English/German dictionary for the Examiner's convenience. This term/phrase has recognized meaning

in the art, and synonymous translations include "mold release" or "release agent." The term/phrase "parting compound" has been used by Applicants within the specification at page 8. Accordingly, Applicants respectfully request withdrawal of this rejection.

IV. Objection to Claims 2 and 3 as Dependent Upon Rejected Base Claim

The Examiner has objected to Claims 2 and 3 as being dependent upon a rejected base claim. Rejected Claim 1, upon which Claims 2 and 3 were dependent, has been amended. Applicants respectfully request withdrawal of the objection.

V. Objection to Claims 4-18 under 37 CFR 1.75(c)

The Examiner has objected to Claim 4 as being in improper form because "a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claims." In response, Applicants have amended Claim 4 to correct the improper multiple dependency. Withdrawal of the objection is respectfully requested.

The Examiner has further objected to Claims 4-18 under 37 CFR 1.75(c) as being in improper multiple-dependent form. In response, Applicants have amended Claims 4-18. Applicants respectfully request withdrawal of the objection.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: March 16, 2004

By: David Forman
Reg. No. 33,694

Attachments: Excerpt from German/English dictionary

DICTIONARY OF CHEMISTRY AND CHEMICAL ENGINEERING

by
Louis De Vries
and
Helga Kolb
with the collaboration of
Joachim Thuss

Volume 1
German / English

1970
VERLAG CHEMIE GMBH, WEINHEIM / BERGSTR.
ACADEMIC PRESS, NEW YORK AND LONDON

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Verlagsnummer: 7071

Transphosphatase *f* transphosphatase
Transphosphorylase *f* transphosphorylase
Transphosphorylierung *f* transphosphorylation
Transport *m* transport[ation], shipment; transfer, transmission
Transportband *n* conveyer [belt], carrier roller
Transporteur *m* shipper, carrier, (Geom) protractor
Transportfilz *m* (Papier) conveyor felt
Transportgefäß *n* transport vessel
transportieren to transport
Transportkarren *m* transfer car
Transportkasten *m* transport case, portable box, transport box
Transportkontrolle *f* transfer check
Transportmittel *n* means of transportation
Trans-Stellung *f* (Stereochem) trans position
Transthiolierung *f* transthiolation
Transuran *n* transuranic element, transuranium element
Transuranelemente *pl* transuranium elements
transversal transversal, transverse
Transversale *f* transversal
Transversalitätsbedingung *f* transversality condition
Transversalschwingung *f* transverse oscillation
Transversalwelle *f* transverse wave
transzendent transcendental
Trapez *n* trapezoid
trapezförmig trapeziform, trapezoidal
Trapezgewinde *n* acme thread, tapered thread
Trapezoeder *n* (Krist) trapezohedron
Trapezregel *f* trapezoidal rule
Trapezring *m* trapezoidal washer
Trapporphyr *m* (Min) porphyritic trap
Trappsandstein *m* (Min) trap sandstone
Trapptuff *m* trap tuff
Traß *m* trass, volcanic tuff
Traßbeton *m* trass concrete
Traßpapier *n* grey wrapping paper
Traubenachat *m* (Min) botryoid agate
traubenartig grapelike
Traubenblei *n* (Min) mimetite
Traubenessig *m* grape vinegar
Traubengärung *f* fermentation of grapes
Traubensäure *f* (obs. für Weinsäure) tartaric acid, **racemische** ~ racemic acid
Traubensaft *m* grape juice
Traubenstein *m* (Min) botryolite
Traubenzucker *m* d-glucose, grape sugar
Traufe *f* down spout
Traumaticin *n* traumaticin[e]
Traumatinsäure *f* traumatic acid
Traversellit *m* (Min) traversellite
Travertin *m* (Min) travertine
Treberbranntwein *m* marc brandy
treffen to hit, to strike, (begegnen) to meet
Treffer *m* hit
Treffertheorie *f* hit theory
Trefferwahrscheinlichkeit *f* probability of hits
Treffplatte *f* target
Treffpunkt *m* point of impact, point of incidence
Trehalase *f* (Biochem) trehalase
Trehalose *f* trehalose
Treibachse *f* driving axle
Treibarbeit *f* (Metall) cupellation
Treibdampfpumpe *f* booster type diffusion pump
Treibdüse *f* booster nozzle
Treibeisen *n* white pig iron
treiben to drive, to push, (gären) to ferment, (hämmern) to emboss
Treibgas *n* power gas
Treibhaus *n* green-house, hot-house
Treibmittel *n* (Pumpe) pump fluid, (Schaumstoff) aerating agent, blowing agent, expanding agent, foaming agent
Treibmittelfüllung *f* (Pumpe) pump fluid filling
Treibmittelrücklauf *m* (Pumpe) pump fluid return pipe
Treiböl *n* (Motor) motor fuel oil
Treibofen *m* cupel[l]ing furnace, refining furnace
Treibprozeß *m* (Metall) cupellation, refining
Treibriemen *m* drive belt, driving belt, transmission belting
Treibschwefel *m* native sulfur
Treibstoff *m* fuel, power fuel, propellant
Treibstoffpumpe *f* fuel pump
Treibstoffraum *m* fuel cell
Treibstoffsynthese *f* motor fuel synthesis
Treibstoffzusatz *m* additive for fuels
Treibstrahl *m* driving jet, power jet
Treibverfahren *n* (Metall) cupellation, refining process
Treibzapfen *m* crank pin
Treitan *n* threitan
Tremolit *m* (Min) tremolite
Tremuloidin *n* tremuloidin
Trennanlage *f*, **chemische** ~ chemical separation plant
trennbar separable
Trennblech *n* baffle
Trenneinsatz *m* partition
trennen to separate, to sever, (auflösen) to resolve, (Elektr) to disconnect
Trennen *n* separating, dividing, (Elektr) disconnecting
Trenner *m* separator
Trennfaktor *m* separation factor, **theoretischer** ~ (Atom) ideal separation factor
Trennfestigkeit *f* resistance to separation
Trennfuge *f* partition line, parting compound line, **der Blasform** blow mold parting line, **der Form** mold parting line
Trennisolator *m* disconnecting insulator
Trennlinie *f* separating line
Trennmittel *n* mold release, parting compound, release agent
Trennmuffe *f* disconnecting box
Trennrohr *n* (Atom) separator tube
Trennsäule *f* separating column, separation column
Trennschärfe *f* discrimination, selectivity, separating capacity, separation sharpness
Trennschleuder *f* centrifuge separator
Trennschnitt *m* (Schweiß) separating cut
Trennstellung *f* spacing position
Trennung *f* disintegration, parting, severing, (Chem.) separation, (durch Filtrieren) filtering, (Teilung)